

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

DRAVO BASIC MATERIALS, INC

BIRMINGHAM, ALABAMA

ORDER NO. 93-006-AP

FINDINGS OF FACT

Pursuant to the provisions of the Alabama Environmental Management Act, §22-22A-1 et seq., Code of Alabama 1975, as amended, and the Alabama Air Pollution Control Act, §22-28-1 et seq., Code of Alabama 1975, as amended, the Alabama Department of Environmental Management (hereinafter, the "Department") makes the following FINDINGS OF FACT:

1. Dravo Basic Materials, Inc. (hereinafter "Dravo") operates a limestone quarry in Maylene, Shelby County, Alabama (Air Division facility number 411-0019), which is located off of Shelby County Road 17 and another limestone quarry in Auburn, Lee County, Alabama (Air Division facility number 206-0002), which is located off of Lee County Road 33.

2. On March 25, 1986, under the authority of §22-28-16(a), Code of Alabama 1975, Permit Nos. 411-0019-Z001, 411-0019-Z003 and 411-0019-Z004 were issued to Dravo (Shelby County quarry), which authorized the operation of a 300 ton per hour (TPH) stone crushing and screening circuit with wet suppression, a 125 TPH Ag-Lime plant (1 Hammermill, 2 Bradley Mills and 1 Radial Stacker) with wet suppression and wet scrubber, and a 100 TPH rotary dryer with wet scrubber.

ISSUED 10/17/92	SERVED
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cc: 10/8/92

3. On January 5, 1987, under the authority of §22-28-16(a), Code of Alabama 1975, Permit Nos. 206-0002-Z001, 206-0002-Z002 and 206-0002-Z003 were issued to Dravo (Lee County quarry), which authorized the operation of a 480 TPH primary crushing and conveying system with wet suppression, a 300 TPH secondary crushing, screening and conveying system with wet suppression, and a 150 TPH Ag-Lime circuit with baghouse and wet suppression.

4. ADEM Admin. Code R. 335-3-4-.02(3) provides that no dust can escape from any equipment in such a manner so as to violate other rules or regulations of the Department.

5. ADEM Admin. Code R. 335-3-14-.01(1)(a) states that any person "building erecting, altering, or replacing any article, machine, equipment, or other contrivance, the use of which may cause the issuance of or an increase in the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants" must first obtain an Air Permit from the Department authorizing the construction.

I.

(Shelby County Quarry)

6. Permit proviso No. 12 of Air Permit No. 411-0019-Z003 states that the Hammermill and Bradley mills must be enclosed and sealed. That provision further reads that dust emissions created by the operation of the mills must be exhausted through ducts to the wet scrubber by an enclosed fan and that dust emissions must not be allowed to escape from enclosures or

through seals due to holes in cracks in the enclosures or seals due to inadequate or poor draft caused by leaks, blockages or fan malfunction.

7. Permit proviso No. 15 of Air Permit No. 411-0019-Z003 states that a wet suppression system will be utilized to control fugitive emissions whenever ag-lime is being stockpiled.

8. On December 10, 1991, Department personnel, during a routine inspection, observed several problems at the Shelby County quarry. First, fugitive emissions were observed emanating from a hole in the right Bradley mill. Secondly, the ag-lime plant was being operated without the wet suppression system. Finally, the ag-lime plant was also being operated without the benefit of water being supplied to the pollution control device (i.e. scrubber).

9. On January 30, 1992, the Department sent a Notice of Violation (NOV) to Dravo regarding the aforementioned problems.

10. Dravo responded to the NOV on February 11, 1992.

II.

(Lee County Quarry)

11. From a historical perspective, on July 6, 1990, Department personnel observed fugitive emissions emanating from the drop-point of the ag-lime process, the base of the primary (standard) crusher, the base of the secondary (shorthead) crusher, and the south side of the ag-lime building.

12. On July 31, 1990 the Department sent an NOV to Dravo for the problems noted in Finding No. 11.

13. Dravo responded to the NOV on August 13, 1990.

14. On March 13, 1990, Department personnel observed fugitive emission emanating from the ag-lime circuit building, the secondary (shorthead) crusher, and the ag-lime stockpile. Moreover, the baghouse used to control emissions generated inside the ag-lime building was not in operation.

15. On May 11, 1992, the Department issued an NOV to Dravo for the aforementioned problem.

16. Dravo responded to the NOV on May 27, 1992.

17. The Department sent a copy of this Order in draft form to Dravo on July 23, 1992. It was received by the company on July 24, 1992.

18. Thereafter, the Department received a written response to the proposed Order from Dravo on August 18, 1992. An informal conference was held on September 3, 1992 between representatives of Dravo and the Department. Dravo later submitted additional information it wanted the Department to consider prior to the Department issuing the administrative order in final form.

19. As a result of the written comments submitted by Dravo; the informal conference held on September 3; and the information received by the Department on September 28, the Department has determined that the initial penalty assessment should be adjusted. This adjustment is reflected in Paragraph B of the Order detailed below.

ORDER

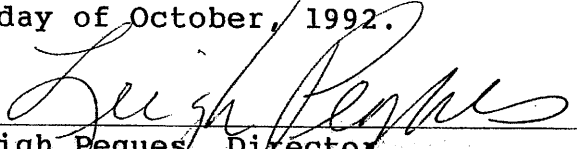
Based upon the foregoing FINDINGS OF FACT and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama 1975, as amended, it is hereby ORDERED:

A. That immediately upon receipt of this Order, Dravo shall operate both the Shelby County quarry (Facility No. 411-0019) and the Lee County quarry (Facility No. 206-0002) in such a manner so as to ensure that the facilities are, at all times, in compliance with ADEM Admin. Code 335-3 and applicable air permits.

B. That there is hereby assessed a civil penalty against Dravo in the amount of \$10,000.00, for the violations detailed in this Order, to be paid to the Alabama Department of Environmental Management within 30 days of receipt of this Order.

C. That the failure of Dravo to comply with any of the provisions of this Order shall constitute cause for the commencement of legal or other appropriate enforcement action for the recovery of civil penalties, criminal fines, or other appropriate relief by the Department or others against Dravo.

ORDERED and ISSUED this 7th day of October, 1992.



Leigh Pegues, Director
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, Tommy E. Bryan, hereby certify that I have served the foregoing proposed Administrative Order No. 93-006-AP upon Dravo Basic Materials, Inc. by sending the same, postage paid, through the United States Mail, as Certified Mail with instructions to forward and return receipt requested to:

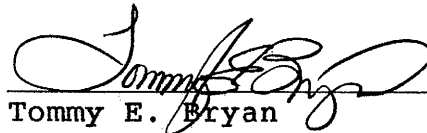
CERTIFIED MAIL NO. P 005 116 444

Mr. Charles Greer
Dravo Basic Materials
P. O Box C-200
Birmingham, Alabama 35283

CERTIFIED MAIL NO. P 055 116 445

J. Franklin Ozment
Lange, Simpson, Robinson & Somerville
1700 First Alabama Bank Building
417 Twentieth Street, North
Birmingham, Alabama 35203

DONE this 7th day of October, 1992.


Tommy E. Bryan